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N.J. BOARD OF DENTISTRY
ON 9-10-97 cm

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
FILE NO. 211087-96-290

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

Administrative Action

MICHAEL HONRYCHS, D.M.D.
LICENSE NO. DIO15703

CONSENT ORDER

TO PRACTICE DENTISTRY
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Dentistry based upon allegations that Michael Honrychs, D.M.D. (hereinafter respondent) was arrested in Camden N.J. on January 27, 1996 for knowingly or purposely obtaining or possessing a controlled dangerous substance (hereinafter CDS) or a controlled substance analog that was not obtained directly from a practitioner or under a valid prescription issued by a practitioner, in violation of N.J.S.A. 2C:35-10a. When respondent was observed in an area, called "the Alley," known for street narcotic sales and when he was approached by a police officer, respondent threw away four (4) small green heat sealed bags containing white powdery substance to the ground containing cocaine. Respondent obtained

cocaine on the date of his arrest. Respondent obtained and used cocaine on one occasion prior to his arrest. Respondent violated a Board of Dentistry Order when his urine (collected on March 18, 1997) tested positive for cocaine 20,769 ng/ml and when his urine (collected on March 25, 1997) tested positive for oxazepam (Valium) 388 ng/ml. The Board finds that Respondent has committed professional misconduct in violation of N.J.S.A. 45:1-21(e); has engaged in the use and employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense in violation of N.J.S.A. 45:1-21(b); and that respondent lacks good moral character, a continuing requirement of licensure pursuant to N.J.S.A. 45:6-3.

Respondent being desirous of resolving this matter without further proceedings and the Board having determined that the following provisions are adequately protective of the public's interest and welfare, and it further appearing that the Respondent has had the opportunity to and did consult with counsel, and good cause therefore existing for the entry of this Order;

IT IS ON THIS 10th DAY OF September , 1997

ORDERED:

1. That the license issued to Michael Honrychs, D.M.D. to practice dentistry in the State of New Jersey is hereby suspended for a period of five (5) years, the first nine (9) months of which shall be served as an active suspension retroactive to the commencement of the temporary suspension on April 17, 1997. During the period of active suspension, respondent shall comply with the

Directives applicable to disciplined licensees which are attached hereto and incorporated herein. During the period of active suspension, respondent shall not be permitted to enter upon the premises of a dental facility for the purpose of providing any consultation to other licensees rendering dental services to patients or sign or submit insurance claim forms for treatment or be permitted to own or maintain a pecuniary or beneficial interest in a dental practice or function as a manager, proprietor, operator, or conductor of a place where dental operations are performed, or where drugs and/or narcotics necessary to the practice of dentistry are accessible, or otherwise practice dentistry within the meaning of N.J.S.A. 45:6-19.

2. Respondent shall have his urine monitored twice weekly at a laboratory facility designated by the Board to continue until further order of the Board expressly reducing or discontinuing said testing. Respondent shall be provided with specific directions for the protocol of the testing procedure and the location of the laboratory facility by the Executive Director of the Board. The urine monitoring shall be conducted with direct witnessing of the taking of the samples as designed by the laboratory facility. The initial drug screen shall utilize appropriate screening techniques and all confirming tests and/or secondary tests will be performed by gas chromatography/mass spectrometry (G.C./M.S.). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation in the event of a legal challenge.

All test results shall be provided to Agnes Clarke, Executive Director, or the Board, or her designee in the event she is unavailable. The Board also will retain sole discretion to modify the manner of testing in the event technical developments or individual requirements indicate that a different methodology or approach is required in order to guarantee the accuracy and reliability of the testing.

Respondent hereby consents to the entry of an Order of automatic revocation of license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions herein, including but not limited to report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of alcohol or drug abuse.

Respondent shall have a limited right to apply for removal of the automatic revocation which must be filed with the Board within (2) days of receiving notice of said automatic revocation. Any confirmed positive urine shall be presumed valid, and respondent may only contest the chain of custody.

Any failure by the respondent to submit or provide a urine sample within twenty-four (24) hours of a request will be deemed to be equivalent to a confirmed positive urine test. In the event the respondent is unable to appear for a scheduled urine test or provide a urine sample due to illness or other impossibility, consent to waive that day's test must be secured from Agnes Clark or her designee. Personnel at the lab facility shall not be

authorized to waive a urine test. In addition, respondent must provide the Board with written substantiation of his inability to appear for a test within two (2) days, e.g., a physician's report attesting that the respondent was so ill that he was unable to provide the urine sample or appear for the test. "Impossibility" as employed in this provision shall mean an obstacle beyond the control of the respondent that is so insurmountable or that makes appearance for the test or provision of the urine sample so infeasible that a reasonable person would not withhold consent to waive the test on that day.

In the event the respondent will be out of the State for any reason, the Board shall be so advised so that arrangements may be made at the Board's discretion for alternate testing. The Board may in its sole discretion, modify the frequency of testing or method of testing during the monitoring period.

3. Respondent shall continue in counseling, at his own expense, with a Board approved mental health practitioner at a frequency of one time per two week period. Dr. Honrychs shall be responsible for ensuring that the above designated practitioner to provide the Board with quarterly reports in regard to his attendance and progress in counseling.

4. The respondent shall attend support groups, including NA/AA at a frequency of no less than four (4) times per week. Dr. Honrychs shall provide evidence of attendance at such groups directly to the Board. If respondent has discontinued attendance

at any of the support groups without obtaining approval of the Board, he shall be deemed in violation of this order.

5. Respondent shall not possess any controlled dangerous substances except pursuant to a bona fide prescription written by a physician or dentist for good medical or dental cause in his own treatment. In addition, Dr. Honrychs shall advise any and all treating physicians and/or dentists of his history of substance abuse. Respondent shall cause any physician or dentist who prescribed medication which is a controlled dangerous substance to provide a written report to the Board together with patient records indicating the need for such medication. Such report shall be provided to the Board no later than two (2) days subsequent to the prescription in order to avoid confusion which may be caused by a confirmed positive urine test as a result of such medication.

6. Respondent shall provide any and all releases to every all party who is participating in the monitoring, treating or other program as outlined herein as may be required in order that all reports, records, and other pertinent information may be provided to the Board in a timely manner. With regard to any requirement for submission of the quarterly reports to the Board, the beginning of the first quarter is deemed to have commenced September 1, 1997.

7. All costs associated with the monitoring, treating or other requirements as outlined herein shall be paid directly by Dr. Honrychs.

8. The respondent shall not apply to the Board for reinstatement of his license to the active practice of dentistry

sooner than nine (9) months from the commencement of the period of active suspension. In the event the respondent wishes to petition the Board for reinstatement of his license to practice dentistry in the State of New Jersey, he may be required to appear personally before the Board and demonstrate to the satisfaction of the Board that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare. Additionally, the Board, at a minimum, requires evidence of attendance at NA/AA meetings at a frequency of no less than four (4) days per week and proof of clean urine samples twice a week during this period. Additionally respondent shall, at his own expense, submit to a comprehensive mental health evaluation, conducted by a Board approved mental health practitioner. Following its review of all of the relevant documents and submissions, the Board, in its discretion, will determine whether the respondent is physically and mentally fit to actively practice dentistry in the State of New Jersey. Upon reinstatement the Board may enter an Order imposing any restrictions the Board may deem appropriate and placing respondent on probation for the period of stayed suspension with such terms and conditions as determined by the Board at that time.

9. Upon reinstatement, Respondent shall not practice as a sole practitioner and agrees to practice dentistry in affiliation with Dr. McHenry who has experience in dealing with impaired dentists and who shall be in a position to monitor Respondent's practice of dentistry. Respondent shall provide Dr. McHenry a copy

of this order and any further orders of reinstatement and/or probation. Respondent shall be responsible for ensuring that Dr. McHenry prepare quarterly reports detailing respondent's practice of dentistry and specifically addressing his drug rehabilitation. Respondent agrees that Dr. McHenry shall immediately report any relapses or suspected relapses by Respondent to the Board of Dentistry within twenty-four hours thereof. Respondent shall immediately report and obtain Board approval before any change in affiliation with Dr. McHenry. Upon reinstatement, respondent shall not prescribe or have access to controlled dangerous substances until further order of the Board.

10. Upon reinstatement, Respondent hereby consents to the entry of an Order of automatic suspension of license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that respondent has failed to comply with any of the conditions herein, including but not limited to report of a confirmed positive urine, or a prima facie showing of a relapse or recurrence of alcohol or drug abuse.

Respondent shall have a limited right to apply for removal of the automatic suspension which must be filed with the Board within (2) days of receiving notice of said automatic suspension. Any confirmed positive urine shall be presumed valid, and respondent may only contest the chain of custody.

11. Within thirty (30) days of the entry of this order Respondent shall pay \$454.28 in costs to the Board of Dentistry,

FROM: DIV OF LAW

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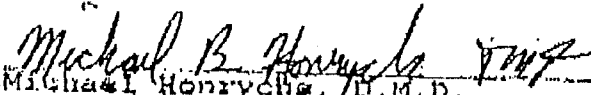
134 Halsey Street, Sixth Floor, Newark, N.J. 07101. Payment shall
be made by certified check or money order payable to the Board.

NEW JERSEY STATE BOARD
OF DENTISTRY

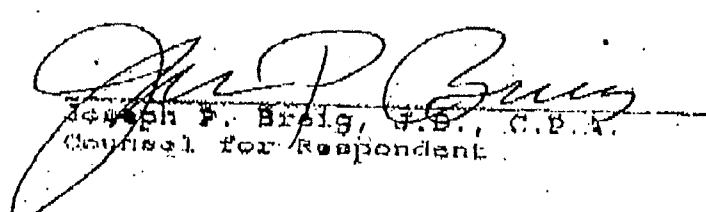
By: 

Dr. Valentine Bloch, President

I have read and understand the
within Order and agree to be
bound by its terms. Consent is
hereby given to the Board to
enter this Order.


Michael Honrych, D.M.D.
Respondant

I hereby consent to the form and
entry of the within Consent Order.


Joseph P. Breig, J.D., C.P.A.
Counsel for Respondant